

✓  
Please add the following new claim 24:

---

24. (New) A fastener for coupling together two or more items, said fastener comprising:

(a) a connector having a first end and a second end,

Ab (b) a first cross-member formed onto the first end of said connector, said first cross-member being in the form of a thin disk, and

(c) a second cross-member formed onto the second end of said connector, said second cross-member being in the form of a thin disk.

---

✓  
Please cancel claims 15 and 19-21 without prejudice.

#### REMARKS

The references cited by the Examiner in the rejections of the claims along with the Examiner's comments have been diligently studied. Reconsideration of the application in light of this amendment is respectfully requested.

Claims 1, 12, 14, 16 and 18 have been amended. Claims 15 and 19-21 have been cancelled. New claim 24 has been added. Therefore, claims 1-14, 16-18 and 22-24 are under active consideration.

Applicant has invented an individual plastic fastener for coupling together two or more items which includes a shortened, cylindrical connector having a first end and a second end, a first disk-shaped cross-member integrally formed onto the first end of the connector and a second disk-shaped cross-member integrally formed onto the second end of the connector. Each of the first and second disk-shaped cross-members include a flat inner surface, a flat outer surface and a

rounded side surface. A flat needle is designed for use in dispensing the individual plastic fastener. The needle terminates in a flattened tip and is shaped to define a longitudinally-extending rectangular bore which is dimensioned to receive one of the cross-members of the fastener and a longitudinally-extending slot which is dimensioned to permit the connector to extend therethrough while the cross-member is disposed within the bore.

Claims 1, 7-9 and 11 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,129,206 to W.J. Cooper (hereinafter Cooper). In support of the rejection, the Examiner commented,

Cooper discloses the invention substantially as claimed including a connector as a thin and straight filament "15" with a first and a second end cross members "17" and "19" at a first and second end, cross-members with a flat inner surface and a flat outer surface (see Fig. 3), a connector "15" formed onto the approximate center of the inner surface of the first cross member, a fastener constructed of plastic (col. 3, lines 7-8).

This rejection is respectfully traversed.

With respect to claim 1, as amended herewith, applicant claims, inter alia, a fastener comprising a connector having a first end and a second end and a first cross-member comprising a flat inner surface and a flat outer surface, wherein the first end of said connector is formed onto the flat inner surface of the first cross-member. To the contrary, Cooper does not disclose a fastener comprising a connector and a first cross-member, wherein the first end of the connector is formed onto the flat inner surface of the first cross-member. Rather, Cooper discloses a fastener (13) which includes a filament (15) and a transverse bar (17), wherein one end of filament (15) is formed onto the rounded inner surface of transverse bar (17).

Applicant respectfully disagrees with the Examiner's contention that Cooper discloses a fastener (15) comprising a filament (15) formed onto the flat inner surface of transverse bar (17). As can be readily seen in Figs. 1 and 2 of Cooper, transverse bar (17) is circular in lateral cross-section. Accordingly, due to its circular cross-section, transverse bar (17) can not have a flat surface along its length. Rather, transverse bar (17) in Cooper can only have a rounded inner surface which is formed onto filament (15).

As can be appreciated, the fact that applicant's claimed fastener includes a cross-member which includes flat inner and outer surfaces enables applicant's claimed fastener to be used in conjunction with applicant's claimed flat tagger gun needle. As a result, applicant's claimed fastener can be used in paper stapling applications, which is a principal object of the present invention.

With respect to claims 7-9 and 11, applicant respectfully contends that claims 7-9 and 11 are in allowable form for being dependent upon claim 1, which applicant respectfully contends is in allowable form for the reasons noted above.

Withdrawal of the rejection of claims 1, 7-9 and 11 under 35 U.S.C. 102(b) as being anticipated by Cooper is respectfully urged.

Claims 2-6 and 10 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Cooper in view of U.S. Patent No. 3,733,658 to D.B. Mitchell (hereinafter Mitchell). In support of the rejection, the Examiner commented,

Cooper discloses the invention substantially as claimed. Cooper does not disclose a first cross-member with a thin disk form, rounded side surface and circular lateral cross-section. However, Mitchell teaches a first cross-member with a thin disk form, a rounded side surface and a circular lateral cross-section (see Fig. 1 and 4) for the purpose of providing a desired circular configuration. In

view of Mitchell, it would have been obvious to one having ordinary skill in the art to have modified Cooper's invention including a first cross-member with a thin disk form, rounded and circular in the lateral cross-section in order to provide a desired circular configuration with a flat inner surface and a flat outer surface.

Regarding claim 4, Cooper does not disclose an inner surface of a cross-member with a greater area than the area of the outer surface. However, Mitchell teaches an inner surface of a cross-member with a greater area than the area of the outer surface (see Fig. 4) for the purpose of providing a desired circular cross-member. In view of Mitchell, it would be obvious to one having ordinary skill in the art to have modified Cooper's invention including an inner surface of a cross-member with a greater area than the area of the outer surface in order to provide a desired circular cross-member which will assure a secured position after being fastened in one or more articles.

Regarding claim 10, Mitchell does not specifically state a second cross-member with a thin disk form. However, Examiner takes Official Notice of provide a second cross-member with a thin disk form as being well known in the art. Therefore, it would have been obvious to one having ordinary skill in the art to have modified Mitchell's invention including a second cross-member with a thin disk form as a matter of design choice.

This rejection is respectfully traversed.

With respect to claims 2 and 3, as a first point, applicant respectfully contends that claims 2 and 3 are in allowable form for being dependent upon claim 1, which applicant respectfully contends is in allowable form for the reasons noted above. Specifically, neither Cooper nor Mitchell disclose a fastener comprising, inter alia, a cross-member having inner and outer surfaces which are flat.

As a second point, applicant respectfully contends that it would not be obvious to one skilled in the art to modify transverse bar (17) of fastener (13) in Cooper to be in the form of head (15) of the upholstery nail (10) in Mitchell. Specifically, fastener (13) in Cooper and upholstery nail (10) in Mitchell are used in entirely different applications using different types of dispensing tools. At least for this reason, applicant respectfully contends that it would not be obvious to combine the fastener (13) in Cooper with the upholstery nail (10) in Mitchell.

With respect to claim 4, as a first point, applicant respectfully contends that claim 4 is in allowable form for being dependent upon claim 1, which applicant respectfully contends is in allowable form for the reasons noted above.

As a second point, applicant respectfully disagrees with the Examiner's contention that Mitchell discloses a head (15) of an upholstery nail (10) with an inner surface greater in area than its outer surface. Rather, head (15) of upholstery nail (10) includes an inwardly extending annular flange (18) along its lower extremity and convex outer surface. *See* Fig. 4 of Mitchell. As a result, the inner surface of head (15) in Mitchell is less in area than its outer surface.

With respect to claims 5 and 6, applicant respectfully contends that claims 5 and 6 are in allowable form for being dependent upon claim 1, which applicant respectfully contends is in allowable form for the reasons noted above.

With respect to claim 10, as a first point, applicant respectfully contends that claim 10 is in allowable form for being dependent upon claim 1, which applicant respectfully contends is in allowable form for the reasons noted above.

As a second point, applicant respectfully contends that neither Cooper nor Mitchell teach, disclose or suggest a fastener comprising a connector and a pair of disk-shaped cross-members formed onto opposite ends of said connector. Applicant respectfully disagrees with the Examiner's contention that it would have been obvious to modify the penetrating point (19) of upholstery nail (10) in Mitchell to include a second head (15). Upholstery nail (10) requires a penetrating point (19) in order to penetrate its intended upholstered material. As such, forming head (15) on both ends of stem (16) in Mitchell would thereby render upholstery nail (10) incapable of use in its intended application. For at least this reason, applicant respectfully

contends that it would not have been obvious to form head (15) on both ends of stem (16) in Mitchell as suggested by the Examiner.

Withdrawal of the rejection of claims 2-6 and 10 under 35 U.S.C. 103(a) as being unpatentable over Cooper in view of Mitchell is respectfully urged.

Claims 12-14 and 16-17 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,427,895 to C.L. Deschenes (hereinafter Deschenes). In support of the rejection, the Examiner commented,

Deschenes discloses the invention substantially as claimed including a needle for dispensing a plastic fastener with a flat bottom, a flat sidewall which extend orthogonally, and a flat flange extending orthogonally inward from the sidewall (see Fig. 9), a longitudinal-extending bore with a rectangular cross-section "153" (col. 8, lines 36-41), a longitudinally-extending slot "155", and a sharpened top "57". Deschenes does not specifically state a pair of sidewalls. Moreover, there is not explicit disclosure of a pair of flanges. Examiner takes Official Notice of the well-known act of including a pair of sidewalls as a matter of design choice. Furthermore, it would have been obvious to one having ordinary skill in the art to have modified Deschenes' invention including a pair of sidewalls extended orthogonally up from the flat bottom wall in order to allow a thin disk cross-member to be received and travel freely through the central bore. Also, Examiner takes Official Notice of the well-known act of including a pair of flange as a matter of design choice for the purpose of defining a slot extending longitudinally across the length of the needle. Furthermore, it would have been obvious to one having ordinary skill in the art to have modified Deschenes' invention including a pair of flat flanges in order to define a slot extending longitudinally across the length of the needle allowing the connector to extend within the slot while the cross-member is disposed within the bore.

This rejection is respectfully traversed.

With respect to claim 12, as amended, applicant claims a needle comprising, inter alia, a substantially flat bottom wall and a pair of spaced apart sidewalls, wherein said needle is shaped to define a longitudinally extending bore, said bore being generally rectangular in lateral cross-section, the bore having a transverse cross-sectional height and a transverse cross-sectional width,

the transverse cross-sectional width being greater than the transverse cross-sectional height. See Fig. 6 and page 9, lines 17-22 of the subject patent application. To the contrary, Deschenes does not disclose a needle shaped to define a bore having a transverse cross-sectional width which is greater than its transverse cross-sectional height. Rather, Deschenes discloses a needle shaped to define a bore having a transverse cross-sectional width which is less than its transverse cross-sectional height. See Fig. 9 and col. 8, lines 38-41 of Deschenes. As can be appreciated, due to the particular shape of its bore, applicant's claimed needle creates a thin horizontal slit in the objects through which it is inserted, which is advantageous in certain applications (e.g., paper stapling applications). See page 10, lines 8-13 of the subject patent application.

With respect to claims 13-14 and 16-17, applicant respectfully contends that claims 13-14 and 16-17 are in allowable form for being dependent upon claim 12, which applicant respectfully contends is in allowable form for the reasons noted above.

Withdrawal of the rejection of claims 12-14 and 16-17 under 35 U.S.C. 103(a) as being unpatentable over Deschenes is respectfully urged.

Claim 18 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Cooper in view of Deschenes. In support of the rejection, the Examiner commented,

Cooper discloses the invention substantially as claimed including a connector as a thin and straight filament "15" with a first and second end cross-members "17" and "19" at the first and second end, cross-members with a flat inner surface and a flat outer surface (see Fig. 3). Cooper does not disclose a tip, a bore, and a slot. However, Deschenes teaches a needle with a sharpening tip "57" for the purpose of enable its penetration into a desire article, a longitudinally-extending bore "153" for the purpose of receive and transport a cross-member within, and a longitudinally-extending slot "155" for the purpose of permit the connector to extend therethrough while cross member is disposed within the bore. In view of Deschenes, it would have been obvious to one having ordinary skill in the art to have provided Cooper's invention including a sharpening tip in order to

enable the tip to pierce through one or more articles creating a thin slit. Also, it would have been obvious to one having ordinary skill in the art to have provided Cooper's invention including a longitudinally-extending bore in order to allow a cross-member to be received within and transported through the bore to the needle opening. Also, it would have been obvious to one having ordinary skill in the art to have provided Cooper's invention including a longitudinally-extending slot larger than the connector in order allow the connector to extend therethrough while cross-member is disposed within the bore.

This rejection is respectfully traversed.

With respect to claim 18, as amended, applicant claims a combination of a fastener and a needle, said fastener comprising, inter alia, a connector having a first cross-member at a first end thereof and a second cross-member at a second end thereof, each of said first and second cross-members being in the form of a thin disk. It is the Examiner's contention that Cooper discloses "the invention substantially as claimed." However, applicant respectfully contends that Cooper does not disclose a fastener comprising a connector having a first cross-member at a first end thereof and a second cross-member at a second end thereof, each of said first and second cross-members being in the form of a thin disk. Rather, Cooper discloses a fastener (13) comprising a filament (15) and a pair of transverse bars (17 and 19), each of the transverse bars being in the form of a cylindrical bar. See Fig. 1 of Cooper. As can be appreciated, the particular shape of the cross-members in applicant's claimed fastener (which is neither taught, disclosed nor suggested in either Cooper or Deschenes) serves as a principal novel feature of the present invention.

Withdrawal of the rejection of claim 18 under 35 U.S.C. 103(a) as being unpatentable over Cooper in view of Deschenes is respectfully urged.



Claims 19-21 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Cooper as applied to claim 18 above, and further in view of Deschenes. In support of the rejection, the Examiner commented,

Cooper discloses the invention substantially as claimed. Cooper does not disclose a first cross member is in the form of a thin disk. However, Mitchell teaches a first cross-member with a thin disk form, a rounded side surface and a circular lateral cross-section (see Fig. 1 and 4) for the purpose of providing a desired circular configuration. In view of Mitchell, it would have been obvious to one having ordinary skill in the art to have modified Cooper's invention including a first cross-member with a thin disk form, rounded and circular in the lateral cross-section in order to provide a desired circular configuration with a flat inner surface and flat outer surface.

Regarding claim 21, Mitchell does not specifically state a second cross-member with a thin disk form. However, Examiner takes Official Notice of including a second cross-member with a thin disk form as being well known in the art. Therefore, it would have been obvious to one having ordinary skill in the art to have modified Mitchell's invention's including a second cross-member with a thin disk form as a matter of design choice.

This rejection is respectfully traversed.

Applicant wishes to note to the Examiner that claims 19-21 are being cancelled herewith, thereby rendering the rejection moot.

Withdrawal of the rejection of claims 19-21 under 35 U.S.C. 103(a) as being unpatentable over Cooper as applied to claim 18 above, and further in view of Deschenes, is respectfully urged.

Claims 22-23 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Cooper as applied to claim 18 above, and further in view of Deschenes as applied to claims 12 and 15 above.

This rejection is respectfully traversed.

With respect to claims 22 and 23, applicant respectfully contends that claims 22 and 23 are in allowable form, among other things, for being dependent upon claim 18, which applicant respectfully contends is in allowable form for the reasons noted above.

Withdrawal of the rejection of claims 22 and 23 under 35 U.S.C. 103(a) as being unpatentable over Cooper as applied to claim 18 above, and further in view of Deschenes as applied to claims 12 and 15 above, is respectfully urged.


The prior art made of record and not relied upon by the Examiner is noted.

Allowance of the application with claims 1-14, 16-18 and 22-24 is earnestly solicited.

If there are any fees due in connection with the filing of this paper that are not accounted for, the Examiner is authorized to charge the fees to our Deposit Account No. 11-1755. If a fee is required for an extension of time under 37 C.F.R. 1.136 that is not accounted for already, such an extension of time is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

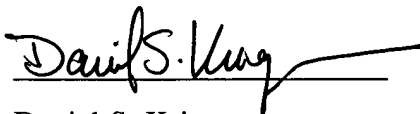
Kriegsman & Kriegsman

By: 

Daniel S. Kriegsman  
Reg. No. 40,057  
665 Franklin Street  
Framingham, MA 01702  
(508) 879-3500

Date: 7-8-03

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 7-8-03.

A handwritten signature in cursive script, reading "Daniel S. Kriegsman", written over a horizontal line.

Daniel S. Kriegsman

MARKED-UP AMENDED CLAIMS 1, 12, 14, 16 AND 18:

1. (Amended) A fastener for coupling together two or more items, said fastener comprising:

- (a) a connector having a first end and a second end,
- (b) a first cross-member formed onto the first end of said connector, said first cross-member comprising a flat inner surface and a flat outer surface, the first end of said connector being formed onto the flat inner surface of said first cross-member, and
- (c) a second cross-member formed onto the second end of said connector.

12. (Amended) A needle well-suited for use in dispensing a plastic fastener of the type comprising a connector having a first cross-member at a first end thereof, said needle comprising:

- (a) a substantially flat bottom wall, and
- (b) a pair of spaced apart sidewalls which extend generally orthogonally up from said flat bottom wall, [and]
- (c) wherein said needle is shaped to define a longitudinally-extending bore which is adapted to receive the cross-member of the plastic fastener, said bore being generally rectangular in lateral cross-section, the bore having a transverse cross-sectional height and a transverse cross-sectional width, the transverse cross-sectional width being greater than the transverse cross-sectional height [a pair of flanges, one flange being formed onto and extending orthogonally inward from the free end of each of said pair of sidewalls].

14. (Amended) The needle as claimed in claim 13 wherein one flange is formed onto and extends orthogonally inward from the free end of each of said pair of sidewalls [each of said pair of flanges is flat].

16. (Amended) The needle as claimed in claim 12 [15] wherein said needle is shaped [the free ends of said pair of flanges are spaced apart so as] to define a longitudinally-extending slot which is adapted to receive the connector of the plastic fastener.

18. (Amended) A combination of a fastener and a needle, said fastener comprising a connector having a first cross-member at a first end thereof and a second cross-member at a second end thereof, each of the first and second cross-members being in the form of a thin disk which includes [having] an [flat] inner surface and an [flat] outer surface, the first end of said connector being formed onto the inner surface of the first cross-member and the second end of said connector being formed onto the inner surface of the second cross-member, said needle terminating in a tip at a front end thereof and being shaped to define a longitudinally-extending bore and a longitudinally-extending slot, said longitudinally-extending bore being dimensioned to receive one of said first and second cross-members, said longitudinally-extending slot being dimensioned to permit said connector to extend therethrough while said one of said first and second cross-members is disposed within said longitudinally-extending bore.